



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/315,390
Applicant : CRANE
Filed: : May 20, 1999
TC/A.U. : 1771
Examiner : Hai Vo

Confirmation No.: 6469

Docket No. : 7373/71172
Customer No. : 42798

Commissioner for Patents
U.S. Patent and Trademark Office
220 20th Street, South
Customer Window, Mail Stop **Petition**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

November 9, 2004

**RENEWED REQUEST FOR REINSTATEMENT OF THE
APPLICATION COUPLED WITH
NEW PATENT TERM RESTORATION**

Dear Sir:

Applicant respectfully files this request for patent term restoration due to the delay associated with the PTO's having lost papers and erroneously abandoning this application. Having mislaid or lost previously filed papers. Applicant respectfully directs attention to the Submission herein on August 5, 2004, August 31, 2004 and the penultimate paragraph on the second page of the September 2, 2004 submission.

Conclusion

Applicant respectfully requests that the application be completely restored as it should be depending status, the replacement drawings be entered, and patent term re-determined. Applicant thereafter requests prompt issuance of the patent grant. The Issue Fee was previously, but timely, paid.

BEST AVAILABLE COPY

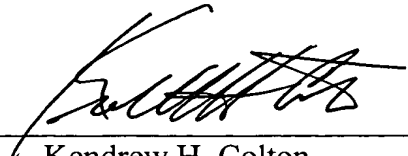
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Appl. No. 09/315,390
CRANE

If there are any questions, please contact the undersigned.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: 
Kendrew H. Colton
Registration No. 30,368

Fitch, Even, Tabin & Flannery
1801 K Street, N.W.
Suite 401L
Washington, D.C. 20006-1201
Telephone No. (202) 419-7000
ReFacsimile No. (202) 419-7007



D A C *ITW*

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Customer Window, Mail Stop **Petition**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

November 9, 2004

**PETITION TO WITHDRAW INAPPROPRIATE NOTICE
OF ABANDONMENT AND, IN A CONTINGENCY,
A PETITION TO REVIVE**

Dear Sir:

Applicant respectfully submits that the Notice of Abandonment herein dated July 27, 2004 was clearly erroneous and renew their requests that it be rescinded and the application be restored to pending status for entry of the previously, timely submitted drawings.

The Notice of Abandonment issued on the basis that corrected drawings were not received. This is clearly erroneous.

The record will show that replacement sheets of formal drawings were due on June 7, 2004.

The record will further demonstrate that such drawings were indeed timely filed and that the Patent Office has acknowledged receipt of such drawings.

Prior efforts to have Notice of Abandonment withdrawn

(1) On August 5, 2004 Applicant's counsel submitted a Request to Withdraw Notice of Abandonment and for Patent Term Restoration under AIPA. This submission was by facsimile and by confirmation hard copy. See documents attached hereto as Exhibit A.

(2) On August 31, 2004, Applicant's counsel filed a "Status Request" that stated "A Request to Withdraw Notice of Abandonment and For Patent Term Restoration Under the AIPA was previously filed, attached Exhibit A. Please advise the undersigned as to the status of this application." The first page of this submission and the postcard receipt are attached as Exhibit B.

(3) On September 2, 2005 Applicant's counsel filed "Re-submission of Postcard Receipt and Re-submission of Corrected Drawings That Were Originally, Timely filed on June 7, 2004." This document was filed to the Examiner's private fax number and separately by hand, in hard copy to the USPTO. This document attached hereto as Exhibit C. As seen from Exhibit C, Applicant's counsel and Examiner discussed this case on September 2, 2004 and the Examiner requested re-submission of the drawings that were previously, timely filed herein on June 7, 2004. Applicant received no response to this filing.

Rule 133 Statement: November 3, 2004.

Despite the foregoing, and despite having submitted evidence to that affect, Applicant has received no written response from the Patent Office. The oral response received last was in a conversation with Examiner on November 3, 2004 to the affect that the Clerk in the group, Mr. Watkins, could do nothing.

The undersigned and the Examiner discussed the status of this application on November 3, 2004. The Examiner required Applicant to file a Petition to Revive the application. The undersigned counsel questioned a need to file such Petition since the record unequivocally demonstrates the Patent Office timely received the materials and preceded to lose them. Having submitted the replacement copies pursuant to the Examiner's request of

Appl. No. 09/315,390
Petition to Revive dated November 9, 2004
Reply to Notice of Abandonment

September 2, 2004, it was thought that this matter could have been resolved by the Clerk or the the Director of the Publication Branch in the Patent Office. It appears that neither has occurred. Accordingly, since the Examiner has required Applicant to submit a Petition, this Petition is being submitted pursuant to the Examiner's oral requirement made during the telephone discussion conducted on November 3, 2004.

Fees

Applicant does not believed that any fees are required to support this Petition to withdraw clearly an erroneus Notice of Abandonment, or in the alternative, for the contingent Peition to Revive.

The Patent Office lost the documents. This clearly was an event that was "unavoidable," and beyond the control of Applicant.

In a delay in submitting the present Petition to Revive was unintentional. The entire delay in filing the required reply (e.g. drawings) from the due date for the reply until filing a grantable petition, pursuant to PTO Rule 137, was unintentional inasmuch as the drawings were previously, timely filed in the first instance. This is demonstrated by the materials that are already of record and which are exemplified by Exhibits to this paper.

Accessing the application by private PAIR demonstrates that various "miscellaneous" papers are noted in file history for August 5, 2004, August 31, 2004 and September 2, 2004. Unfortunately, there does not appear to be a file history entry for response to any of these filings from the Patent Office in an effort to withdraw the mistaken, but clearly erroneus, Notice of Abandonment.

Appl. No. 09/315,390
Petition to Revive dated November 9, 2004
Reply to Notice of Abandonment

If, however, the petition fee is required to support this paper, then such payment may be charged to our Deposit Account 06-1135, under Order No. 7373/71172.

Conclusion

Applicant respectfully requests a decision that withdraws the erroneous Notice of Abandonment; grants patent term extension under the AIPA for the lost term caused by the PTO (see concurrently filed "Renewed Request for Reinstatement of the Application Coupled With New Patent Term Restoration"), and also directs issuance of the grant.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: 

Kendrew H. Colton
Registration No. 30,368

Fitch, Even, Tabin & Flannery
1801 K Street, N.W.
Suite 401L
Washington, D.C. 20006-1201
Telephone No. (202) 419-7000
ReFacsimile No. (202) 419-7007

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08/05/2004 17:11 FAX 202 419 7007

FITCH EVEN

0001

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Appl. No. : 09/315,390
Applicant : CRANE
Filed: : May 20, 1999
TC/A.U. : 1771
Examiner : Hai Vo
Docket No. : 7373/71172
Customer No. : 42798 (NEW)

Confirmation No.: 6469

Commissioner for Patents
U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Publication Branch
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

August 5, 2004

REQUEST TO WITHDRAW NOTICE OF ABANDONMENT
And
FOR PATENT TERM RESTORATION UNDER THE AIPA

Dear Sir:

Applicants representative received a Notice of Abandonment dated July 27, 2004 in which Examiner Hai Vo checked the box for "No corrected drawings have been received." The Notice of Abandonment is clearly erroneous. Applicants paid the base issue fee and concurrently filed corrected drawings. Such actions were timely. Attached is the post card showing that the Patent Office received the formal drawings on June 7, 2004. It is respectfully suggested that a formal search be instituted within the PTO for the lost drawings. Applicants respectfully submit that the post card is *prima facie* evidence that the Patent Office received the drawings on time.

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August 5, 2004

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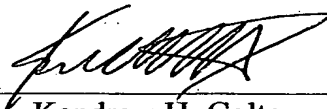
U.S. Appln. of CRANE
09/315,390

Applicants accordingly respectfully submit the Notice of Abandonment was erroneously issued and should be withdrawn. Applicants earnestly, but respectfully solicit a Notice to that effect, reinstatement of this application so that it may proceed to patent grant, and a new patent term determination to restore lost patent term because of the delays caused by the PTO having lost the drawings and erroneously abandoned this application.

Certificate of Facsimile Filing

This paper 2 pages plus one page attachment (total of three pages) is being filed by facsimile to 703-872-9306, by facsimile to the Examiner's unofficial fax number (desk top: 571-273-1485) as a courtesy, and separately by hand so that there is irrefutable evidence that the PTO has received this Request to Withdraw Abandonment.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

By: 
Kendrew H. Colton
Registration No. 30,368

**ADDRESS ALL CORRESPONDENCE TO
CUSTOMER NO.: 42798**

Fitch, Even, Tabin & Flannery
1801 K Street, N.W.
Suite 401L
Washington, D.C. 20006-1201
Telephone No. (202) 419-7000
Facsimile No. (202) 419-7007

KHC/cmg

June 7, 2004

Atty Docket: 7373/71172

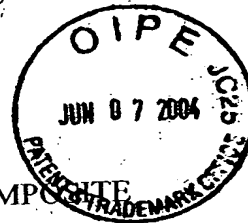
DUE DATE: June 16, 2004

Applicant(s): CRANE, Stephen

Appl. No.: 09/315,390

Filed: May 20, 1999

For: THERMOPLASTIC MULTI-LAYER COMPOSITE
STRUCTURE



Paper(s) filed:

- 1) Issue Fee Transmittal (in duplicate)
- 2) Five (5) Sheets Submission of Formal Drawings (Replacement Sheets)
- 3) Replacement Drawings (Figs. 1-19)
- 4) \$1330 (Issue Fee); \$30 (Advance Copies) paid via Deposit Acct.

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Received
Cover
Page

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08/31/2004 13:02 FAX 202 419 7007 FITCH EVEN 0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	: 09/315,390	Confirmation No.:	6469
Applicant	: CRANE		
Filed:	: May 20, 1999		
TCA.U.	: 1771		
Examiner	: Hai Vo		
Docket No.	: 7373/71172		
Customer No.	: 22242		

URGENT

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

August 31, 2004

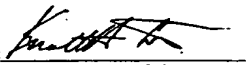
STATUS REQUEST

Sir:

A Request to Withdraw Notice of Abandonment and For Patent Term Restoration Under the AIPA was previously filed, attached Exhibit A. Please advise the undersigned as to the status of this application.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: 
Kendrew H. Colton
Registration No. 30,368

FITCH, EVEN, TABIN & FLANNERY
1801 K Street, NW
Suite 401L
Washington, DC 20006-1201
Facsimile: (202) 419-7007

CERTIFICATE OF FACSIMILE: I hereby certify that this 2-page paper (Status Request and Exhibit A) are being transmitted via facsimile to 703-872-9306, Commissioner for Patents, Washington, D.C. 20531, on this day of August 31, 2004.

PAGE 1/2 - RCVDT 8/31/2004 1:00:30 PM [Eastern Daylight Time] - EYRUSPTO-EX-202-419-7007-1/2 - PRT-1/2/2004 - CSD:202 419 7007 - DURATION (mm:ss):01:18

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AUG 31 2004

FETF. D.C.

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Examiner : Hai Vo

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Arlington, VA 22202

August 31, 2004

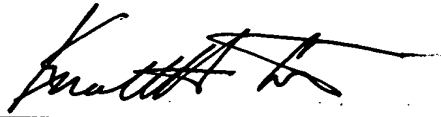
STATUS REQUEST

Sir:

A Request to Withdraw Notice of Abandonment and For Patent Term Restoration Under the AIPA was previously filed, attached Exhibit A. Please advise the undersigned as to the status of this application.

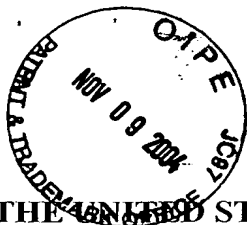
Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: 
Kendrew H. Colton
Registration No. 30,368

FITCH, EVEN, TABIN & FLANNERY
1801 K Street, NW
Suite 401L
Washington, DC 20006-1201
Facsimile: (202) 419 -7007

CERTIFICATE OF FACSIMILE: I hereby certify that this 2-page paper (Status Request and Exhibit A) are being transmitted via facsimile to 703 - 872-9306: Commissioner for Patents, Washington, D.C. 20231, on this day of August 31, 2004.



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Commissioner for Patents
U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Publication Branch
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

September 2, 2004

**RE-SUBMISSION OF POST CARD RECEIPT
AND
RE-SUBMISSION OF CORRECTED DRAWINGS THAT
WERE ORIGINALLY, TIMELY FILED ON JUNE 7, 2004**

Dear Sir:

Applicants representative supplements the August 5, 2004 Request for Withdrawal of Abandonment and For Patent Term Restoration, while noting the Status Request filed August 31, 2004, by enclosing herewith:

- a. another copy of the post card receipt that is *prima facie* evidence that the documents listed therein were received by the U.S. Patent and Trademark Office on June 7, 2004;
- b. another copy of the Drawing Submission and the Figures, which documents were originally filed herein on June 7, 2004 as established by the attached post card receipt.

This case was alive, should still be alive and a patent should issue, which patent should be issued with a corrected statement as to patent term: restoration for a period not less than that corresponding to the time when the PTO incorrectly held this application abandoned.

U.S. Appln. of CRANE
09/315,390

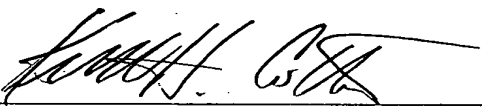
The undersigned acknowledges the Examiner's courtesy in telephone discussions this date. The Examiner advised that the formal corrected drawings do not appear in the PTO 'PALM' system, and the undersigned confirms that they do not appear to be listed in the 'private' PAIR system either. The Examiner requested that duplicate copies thereof with another copy of the post card receipt therefor be sent by facsimile to her desk top facsimile.

Applicants respectfully submit the Notice of Abandonment was erroneously issued and should be withdrawn. Applicants earnestly, but respectfully solicit a Notice to that effect, reinstatement of this application so that it may proceed to patent grant, and a new patent term determination to restore lost patent term because of the delays caused by the PTO having lost the drawings and erroneously abandoned this application.

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Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

By: 
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Telephone No. (202) 419-7000

KHC/cmg

June 7, 2004

Atty Docket: 7373/71172



DUE DATE: June 16, 2004

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- 1) Issue Fee Transmittal (in duplicate)
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- 3) Replacement Drawings (Figs. 1-19)
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Customer No. : 22242

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop **PGPUB Drawings**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

June 7, 2004

SUBMISSION OF FORMAL DRAWINGS

Dear Sir:

Submitted herewith are five (5) sheets of formal drawings (Figs. 1-19), and that the same be made of record in this application.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: 

Kendrew H. Colton
Registration No. 30,368

Fitch, Even, Tabin & Flannery
1801 K Street, N.W.
Suite 401L
Washington, D.C. 20006-1201
Telephone No. (202) 419-7000
Facsimile No. (202) 419-7007

Replacement Sheet(s)

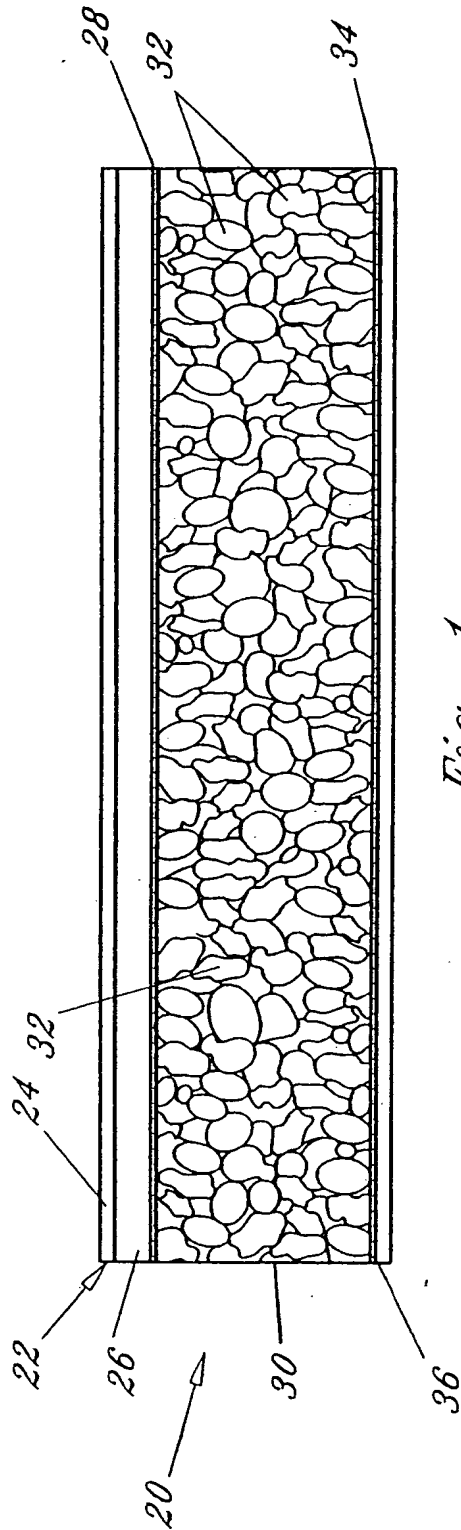


Fig. 1

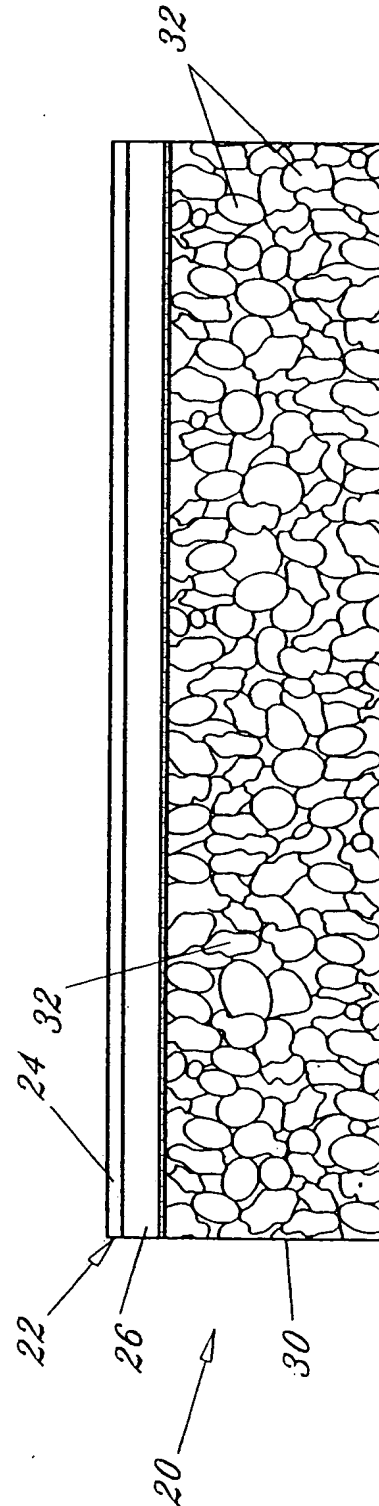


Fig. 2

Replacement Sheet(s)

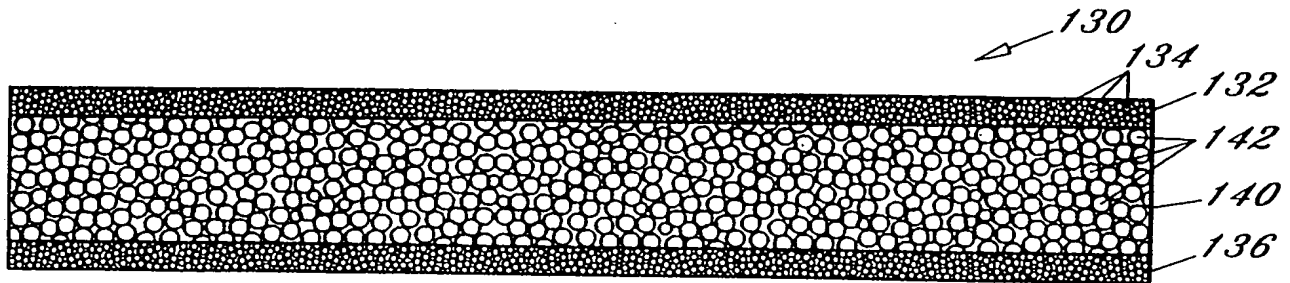


Fig. 3

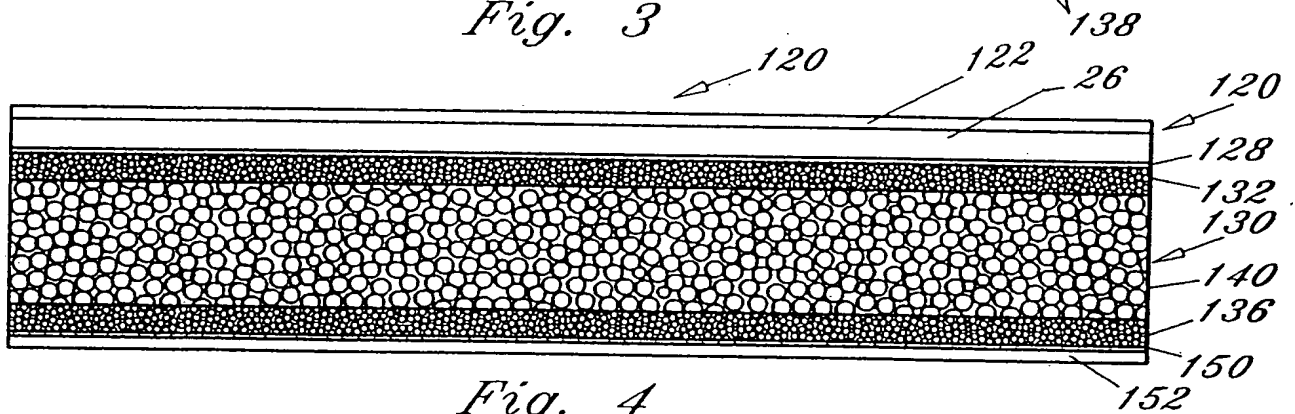


Fig. 4

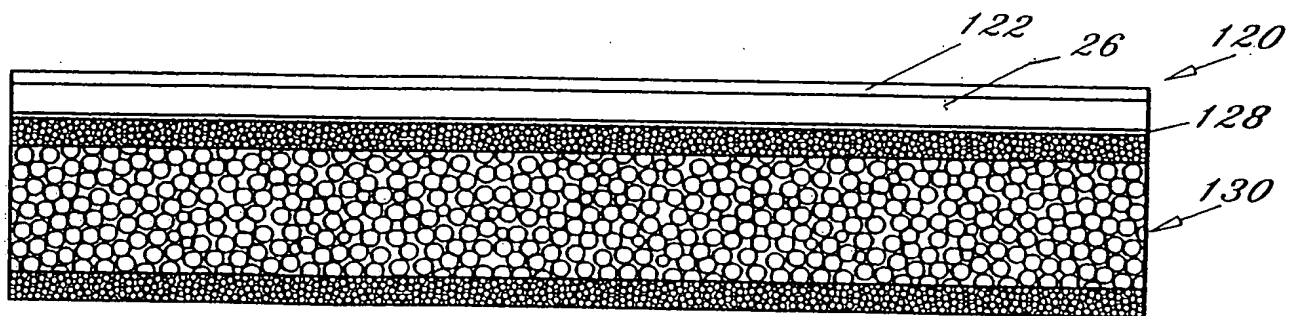


Fig. 5

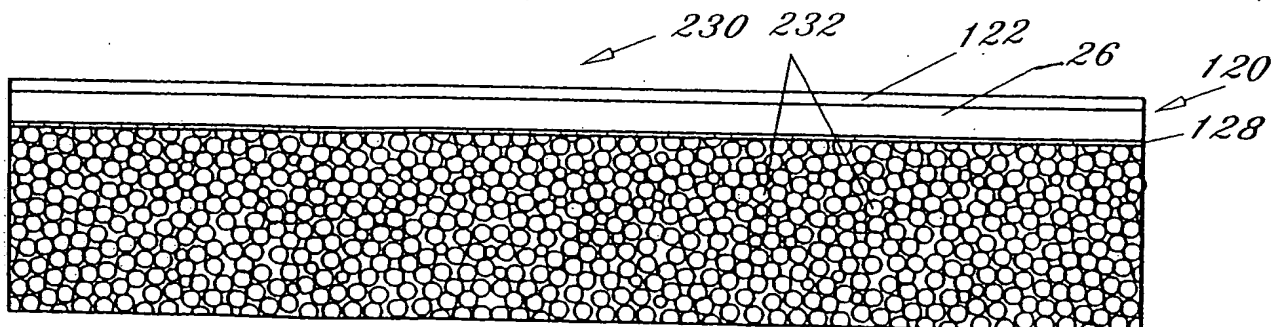
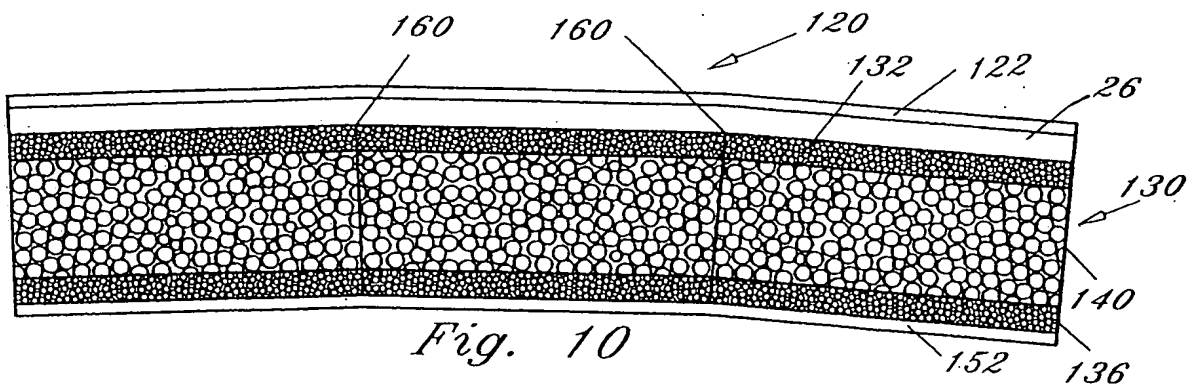
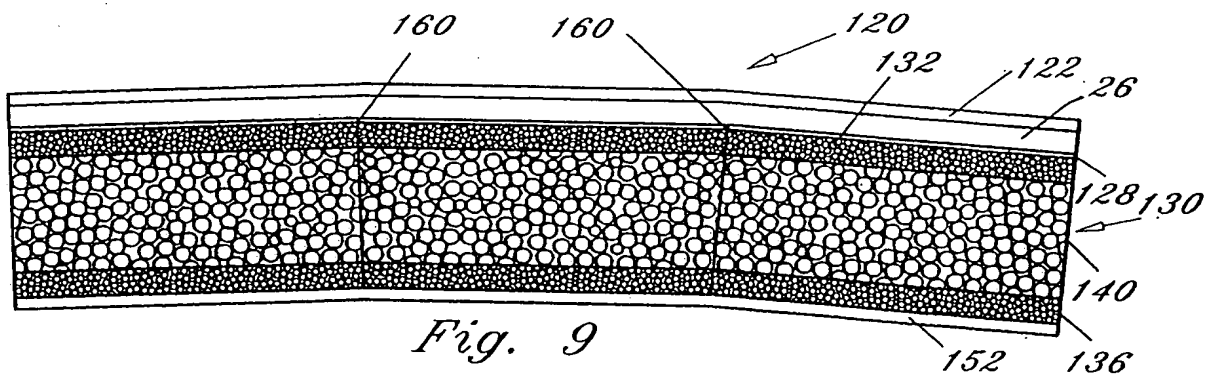
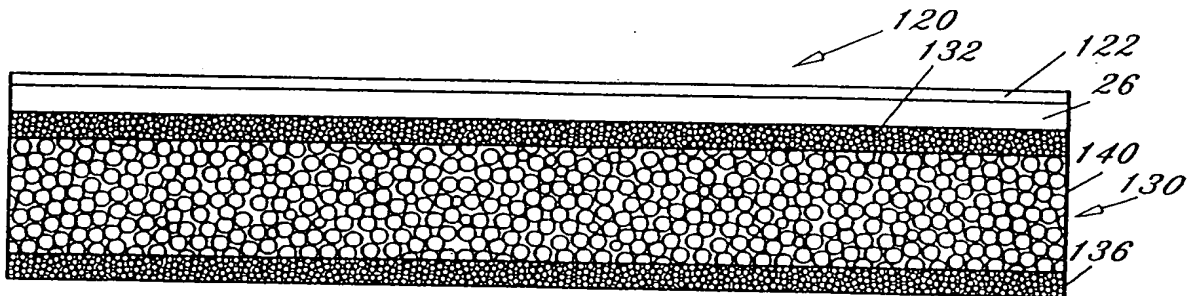
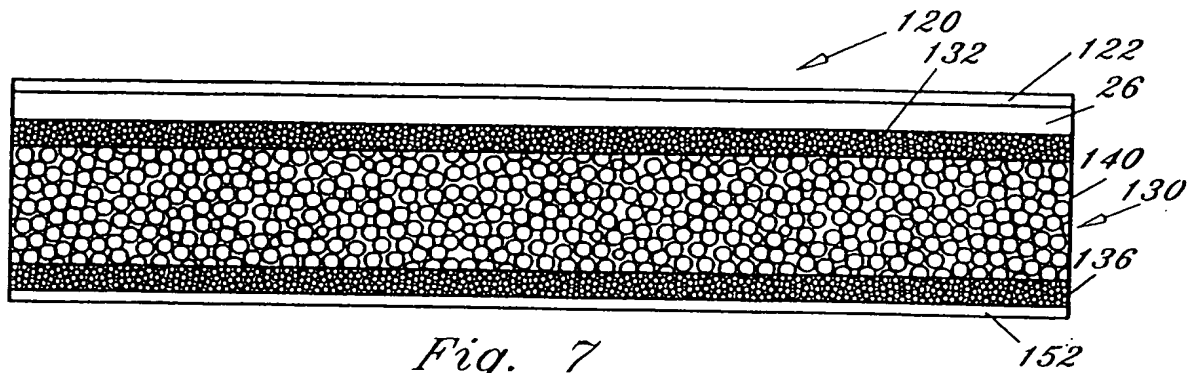


Fig. 6

Replacement Sheet(s)



Replacement Sheet(s)

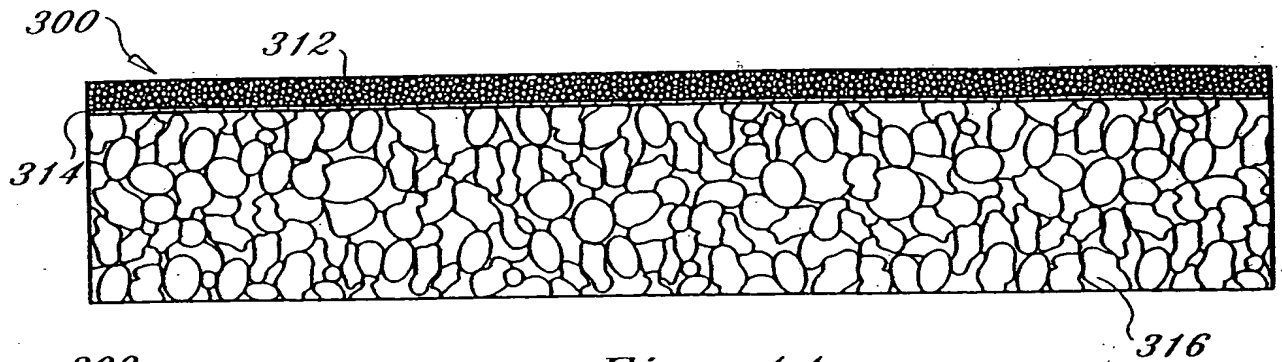


Fig. 11

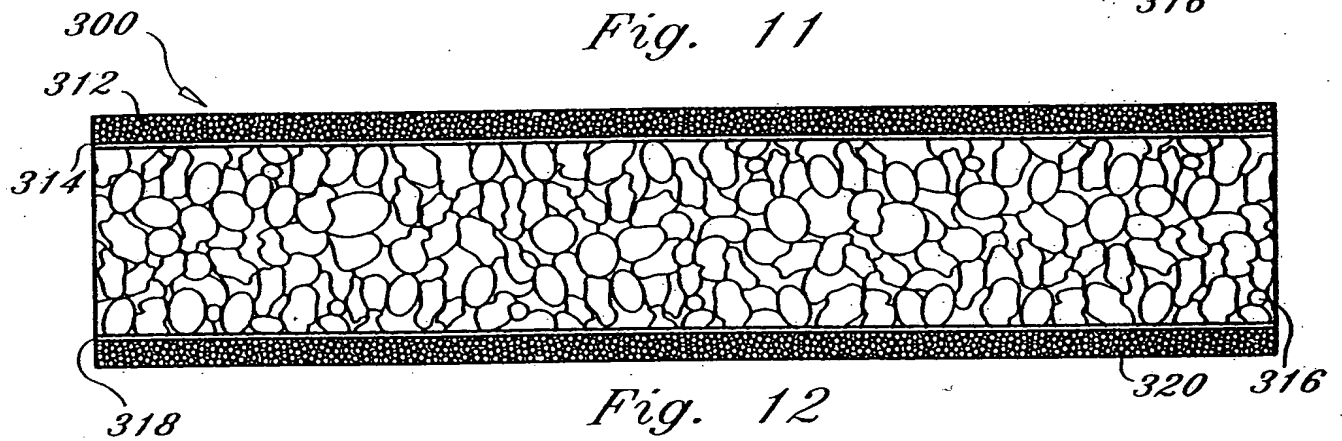


Fig. 12

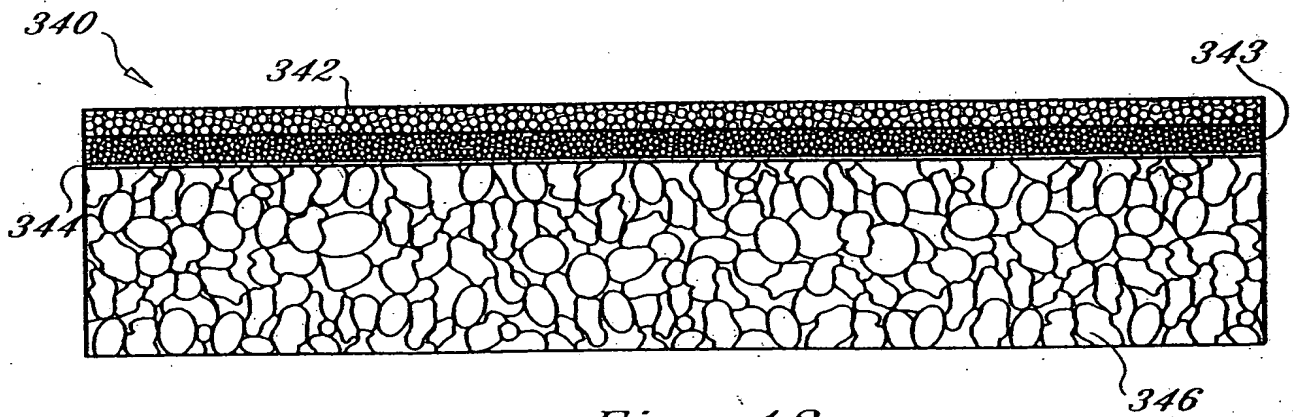


Fig. 13

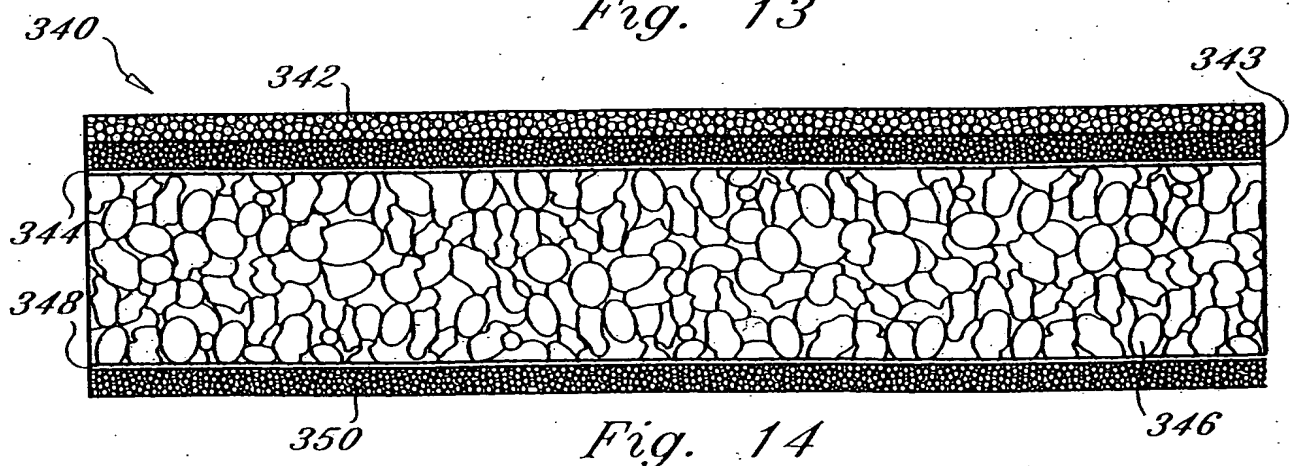


Fig. 14

Replacement Sheet(s)

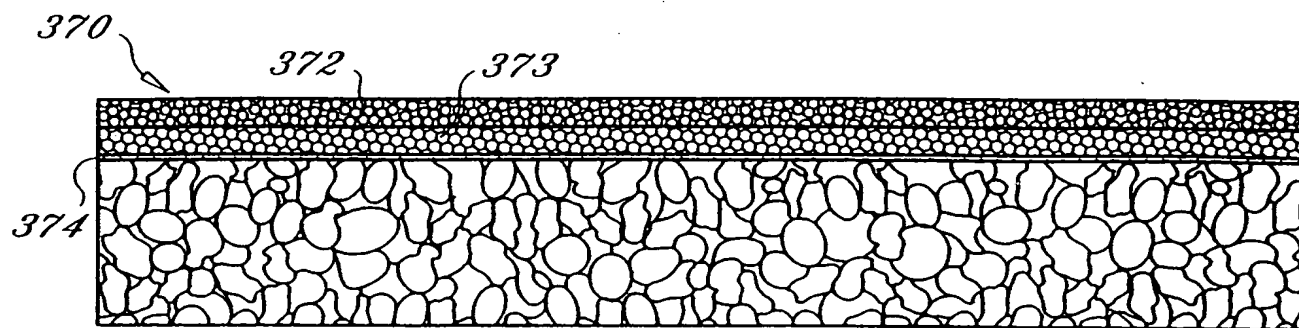


Fig. 15

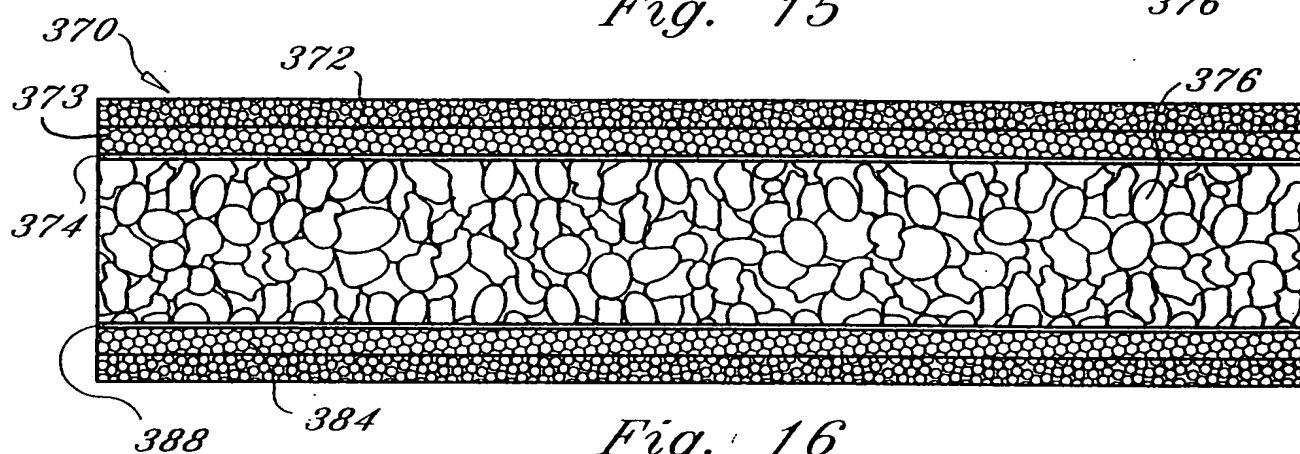


Fig. 16

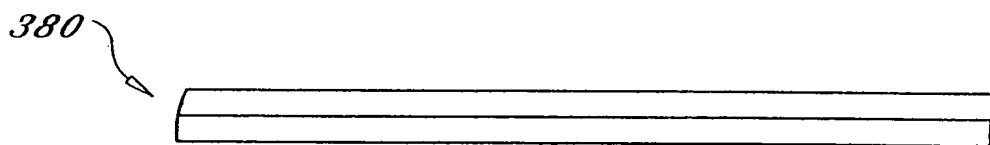


Fig. 17

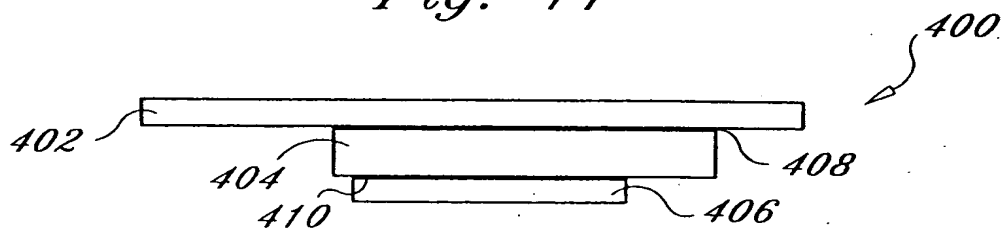


Fig. 18

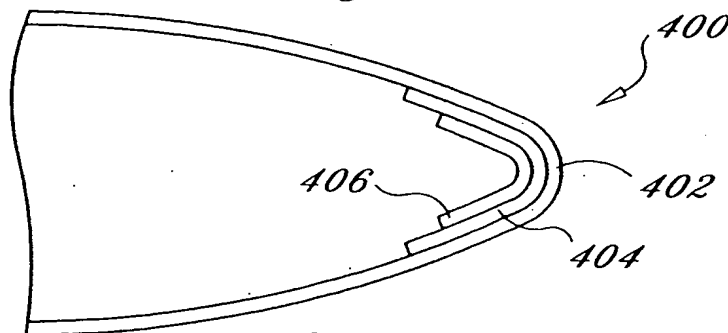


Fig. 19

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